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Attorney Docket # 4925-159PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kimmo NARKILAHTI

Serial No.: 10/018,502

Filed: October 30, 2001

For: Method and System for Determining Operating
Models of Users of a Telecommunication System

Examiner: Rampuria, Shard K.
Group Art: 2683

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450, on

April 13, 2005

(Date of Deposit)

Michael C. Stuart

Name of applicant, assignee or Registered Representative

Signature

April 13, 2005

Date of Signature

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)

SIR:

By this Petition, Applicant requests withdrawal of the holding of abandonment set forth in the Notice of Abandonment mailed March 14, 2005 in connection with the above-identified application. Any fees or charges required in connection with this Petition may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Applicant's undersigned representative has received from the Patent and Trademark Office the above-mentioned Notice of Abandonment, mailed March 14, 2005, reciting that the subject application is abandoned due to Applicants' alleged failure to file a proper reply in reply to the Office Letter mailed August 26, 2004.

In reality, and as set forth in the annexed Declaration of Michael C. Stuart, a proper reply to the Office Action of August 26, 2004 -- namely, an "Amendment" -- was timely filed in the Patent Office by First Class Mail, accompanied by a Certificate of Mailing, on

February 28, 2005. A copy of that Amendment, as filed on February 28, 2005, is attached to the annexed Declaration of Michael C. Stuart.


Also accompanying the Amendment, as mailed to the Patent and Trademark Office on February 28, 2005, was a return receipt postcard which was to be stamped by Patent Office Mail Room and then returned to Applicant's attorneys. That postcard was received back by applicant's attorneys from the Patent and Trademark Office, indicating that the timely Amendment was received at the Patent and Trademark Office on March 2, 2005. A copy of that receipted postcard is attached to the annexed Declaration of Michael C. Stuart.

It accordingly appears that the Amendment has likely been lost or misdirected within the Patent and Trademark Office.

Inasmuch as Applicant did in fact file a timely and complete response to the Office Action of August 26, 2004, as evidenced by the annexed Declaration of Michael C. Stuart and the attachments thereto, it is respectfully requested that the holding of abandonment of the instant application be withdrawn and that the case be restored to active, pending status. It is further requested that, upon restoration of the case to active, pending status, the Examiner duly consider the substance of the Amendment submitted on February 28, 2005, and thereby continue prosecution of the instant application.

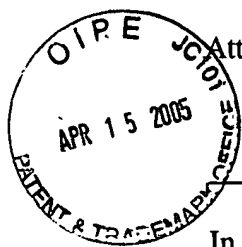
Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: April 13, 2005



Attorney Docket # 4925-159PUS

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kimmo NARKILAHTI

Serial No.: 10/018,502

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For: Method and System for Determining Operating
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Examiner: Rampuria, Shard K.
Group Art: 2683

DECLARATION OF MICHAEL C. STUART

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

I, Michael C. Stuart, hereby declare and state that:

1. I am one of the attorneys-of-record in connection with the above-identified application. I am registered to practice before the Patent and Trademark Office under Registration No. 35,698.

2. I received a "Notice of Abandonment", mailed from the Patent and Trademark Office on March 14, 2005, reciting that the subject application has been abandoned in view of applicant's alleged failure to provide a proper reply to the Office Action mailed August 26, 2004. A true copy of that Notice of Abandonment is attached hereto.

3. In actuality, applicants timely responded to the Office Action of August 26, 2004 by the filing of an "Amendment" on February 28, 2005 which contained a complete response to the Office Action and any appropriate extension of time fee. A true copy of that Amendment, as mailed to the Patent and Trademark Office, is also attached hereto.

4. The Amendment was mailed to the Patent and Trademark Office on February 28, 2005 and was accompanied by a Certificate of Mailing which was, as seen

on the attached copy of the Amendment, printed directly thereon. Both the Amendment and the Certificate of Mailing which appears thereon were signed on February 28, 2005. Moreover the Amendment was in fact deposited with the United States Postal Service on February 28, 2005, as indicated in the Certificate of Mailing.

5. The Amendment, as mailed to the Patent and Trademark Office on February 28, 2005, was also accompanied by a return receipt postcard which was date stamped on March 2, 2005 as received by the Patent Office Mail Room and then returned to applicant's undersigned attorneys as proof of the Patent Office's receipt of the accompanying documents. A copy of the date stamped return receipt postcard is also attached hereto.

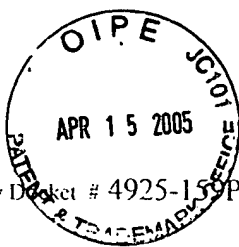
6. As should be apparent from the facts and circumstances related in this Declaration, no abandonment of the subject application occurred. Accordingly, the subject application should not have been held abandoned, and that holding must be withdrawn.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of April, 2005

A handwritten signature in black ink, appearing to read "Michael C. Stuart", written over a horizontal line.

Michael C. Stuart



Attorney Docket # 4925-150PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kimmo NARKILAHTI

Serial No.: 10/018,502

Filed: October 30, 2001

For: Method and System for Determining Operating
Models of Users of a Telecommunication System

Examiner: Rampuria Shard K.
Group Art: 2683

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deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on

February 28, 2005

(Date of Deposit)

Michael C. Stuart

Name of applicant, assignee or Registered Representative

Michael C. Stuart
Signature

February 28, 2005

Date of Signature

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT

SIR:

Applicants hereby request a 3-month extension of the original shortened statutory response period set in the Office Action of August 26, 2004. A check in the amount of \$1020 in payment of the government fee for a 3-month extension of time is enclosed herewith. Any additional fees or charges required at this time in connection with the present application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Listing of claims begins on page 3 of this paper.

Remarks begin on page 6 of this paper.

Amendments to the Specification:

Page 1, before line 4, the paragraph beginning with “The invention relates to”, insert the following title, paragraph and title:

--PRIORITY CLAIM

This is a U.S. national stage of PCT application No. PCT/F199/00384, filed on May 10, 1999.

FIELD OF THE INVENTION--.

Page 1, before line 8, the paragraph beginning with “From the point of”, insert the following title:

--BACKGROUND OF THE INVENTION--.

Page 3, before line 8, the paragraph beginning with “It is the objective of”, insert the following title:

--SUMMARY OF THE INVENTION--.

Page 5, before line 1, the paragraph beginning with “In the following”, insert the following title:

--BRIEF DESCRIPTION OF THE DRAWINGS--.

Page 5, before line 12, the paragraph beginning with “Figures 1, 2 and 3 have”, insert the following title:

--DETAILED DESCRIPTION OF THE PRESENTLY PREFERRED EMBODIMENTS--.

Page 10, line 1, delete “CLAIMS” and insert therefor --What is claimed is:--.

Listing of Claims:

1. (Original) A method (40) for determining the behavior patterns of the users of a telecommunication system on the basis of information collected from the system, characterized in that

at least one variable or a combination of variables (41) of the telecommunication system is defined,

user-specific information (43) corresponding to the defined at least one variable or a combination of variables is filtered from the information collected from the telecommunication system, and

the users of the telecommunication system are classified on the basis of the filtered user-specific information (45).

2. (Original) A method (40) according to Claim 1, characterized in that said user-specific information is filtered from the telecommunication system in real time.

3. (Original) A method (40) according to Claim 1, characterized in that after said filtering (43) of information the filtered information is saved (44) for later analysis.

4. (Original) A method (40) according to Claim 1, characterized in that after the classification (45), statistical analysis (46) is carried out on the classified information.

5. (Original) A method (40) according to Claim 4, characterized in that parameters essential for the quality of service of the telecommunication system are regulated on the basis of said statistical analysis (46).

6. (Original) A method (40) according to Claim 4, characterized in that on the basis of said statistical analysis, conclusions (47) are drawn about the behaviour of a certain group of users in a telecommunication system.

7. (Original) A method (40) according to Claim 1, characterized in that the classes of behaviour patterns used in the classification of users are defined in connection with the definition

of variables (41).

8. (Original) A method (40) according to Claim 1, characterized in that the definitions of the classes of behaviour patterns used in the classification of users are changed (48).

9. (Original) A method (40) according to Claim 8, characterized in that said filtered unclassified information is classified into said new classes of behaviour patterns (49).

10. (Original) A method (40) according to Claim 1, characterized in that at least one of the variables is the type of contact of the user.

11. (Original) A method (40) according to Claim 1, characterized in that at least one of the variables is the type of system service.

12. (Original) A method (40) according to Claim 1, characterized in that said telecommunication system is a mobile communication system (10).

13. (Original) A system (50) for determining the users' patterns of behaviour in a telecommunication system, characterized in that said system (50) comprises at least
means (51) for defining at least one variable or a combination of variables of the telecommunication system,
filtering means (53) for filtering said user-specific information corresponding to at least one variable or a combination of variables from the information received from the telecommunication system, and
classifying means (55) for classifying the users of the telecommunication system on the basis of said filtered user-specific information.

14. (Original) A system (50) according to Claim 13, characterized in that the system is designed to process the information received from the telecommunication system in real time.

15. (Original) A system (50) according to Claim 13, characterized in that the system has a memory (51) for saving said filtered user-specific information.

16. (Original) A system (50) according to Claim 13, characterized in that the system has analysis means (56) for statistical analysis of the classification of the behaviour patterns of users received from the classifying means (55) and/or for defining new classes of behaviour patterns.

17. (Original) A system (50) according to Claim 13, characterized in that the system (50) quality of service of the telecommunication system on the basis of the information received from the analysis means (56).

18. (Original) A system (50) according to Claim 13, characterized in that said telecommunication system is a mobile communication system (10).

REMARKS

Claim 1-18 are pending. The specification has been amended. Now new matter has been added by way of the amendment. Reconsideration of the application is respectfully requested.

The specification has been objected to based upon the failure of the specification to comply with the preferred layout of a utility application. In response to this objection, Applicants have amended the specification to comply with the requirements set forth in 37 CFR 1.77(b). Therefore, reconsideration and withdrawal of the objection to the specification are in order, and a notice to that effect is earnestly solicited.

Claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB 2327175 (“*Knight*”) in view of U.S. Patent 6,275,695 (“*Obhan*”).

The invention relates to a method and system for charting the behavioural patterns of a user. In accordance with the claimed invention, at least one variable or a combination of variables of a telecommunication system, such as a mobile communication system, is defined, user specific information that corresponds to at least one variable of or a combination of variables is filtered from the information collected from the telecommunication system, and the users of the telecommunication system are divided into at least one class of behavior patterns (e.g., classified) based on the filtered user-specific information (see page 3, lines 15-21 of the specification).

In contrast, *Knight* relates to a method for operating a cellular radio communication network in order to increase the operating efficiency of the network (see pg. 1, lines 3-5). *Knight* (pg. 1, lines 26-35) states the method is provided to increase the utilization factor of a cellular network providing digitally encoded information, wherein the calls of each user are monitored and data relevant to times, destination and location of each user is used to form a user profile which is stored on a user database. Future call usage is calculated and thereafter speculative connections are made at times that are optimum, from an operator's perspective, in anticipation of future demand. However, *Knight* fails to teach the present claimed invention. That is, *Knight* fails to teach or suggest that the “users of [a] telecommunication system are classified on the basis of the filtered user-specific information” based on information collected from the system, as recited in independent claim 1.

The Office Action (page 4, ¶ 1) states:

Knight discloses a method for determining the behavior patterns of the users of a telecommunication system on the basis of information collected from the system (Pg.1; 26-35); characterized in that

at least one variable or a combination of variables of the telecommunication system is defined, (Pg.3; 16-24)

user-specific information corresponding to the defined at least one variable or a combination of variable is filtered from the information collected from the telecommunication system, (Pg.3; 24-34) and

Knight fails to disclose the users of the telecommunication system are classified on the basis of the filtered user-specific information. However, Obhan teaches in an analogous art, that users of the telecommunication system are classified on the basis of the filtered user-specific information (Col.20; 5-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention to include users of the telecommunication system are classified on the basis of the filtered user-specific information in order to provide the operation that manage use of the available spectrum according to real time use of active subscriber.

With respect to the foregoing, the following is noted. The rejection of independent claim 1 and the dependent claims is a hindsight reconstruction based combination of “person-specific” and “system specific” features. *Knight* consistently discusses serving an individual client, along with recognizing the very specific needs of the individual client (see, for example, pg. 1, lines 29-32; pg. 2, lines 5-8, lines 23-26; page 5, lines 14-17). When discussing, e.g. network usage, *Knight* always attempts to identify a very particular web page that an individual user might want to download, or a very particular network-based service that the user might want to access (see pg. 2, line 20 thru pg. 3, line 8).

Knight fails to disclose the use of any language that would contain even the slightest suggestion to categorize such services or consider such service types. *Knight* fails to teach or suggest anything analogous to a “certain type of service” or a “web page belonging to a certain category”. *Knight* only discloses a very specific, individually identifiable piece of information that would the system would require in order to provide the user with the information when it is required at a later point in time. Hence, for example, if a user “NN” has been observed to request a specific service at a particular time on Monday, Tuesday and Wednesday, the network disclosed in *Knight* may react by reserving the specific service for the use of user NN on Thursday, even before Thursday arrives and user NN makes the request on Thursday for the service.

As conceded by the Examiner, *Knight* fails to disclose the use of information collected from a telecommunication system to classify users, as recited in independent claim 1. This is apparent based on the failure of *Knight* to disclose the classification or categorization of anything. This is a direct consequence of the very individualistic approach of the method disclosed in *Knight*; that is, the entire system described therein seeks to serve the particular needs of an individual user of the system.

Obhan has been cited by the Examiner in an attempt to cure the deficiencies of *Knight*. *Obhan* relates to a system and method of operation for managing spectrum in a wireless communication system to maximize usage of the wireless spectrum and to meet system operator goals for servicing subscribers (see col. 1, lines 15-19). However, *Obhan* fails to cure the deficiencies of *Knight*. *Obhan* only teaches the monitoring of spectrum usage and the dynamic distribution of system capacity to voice users, data users, non-real time users etc. so that the available spectrum would be used efficiently (see col. 2, lines 22-32). Moreover, *Obhan* only seeks to manage the usage of spectrum at a system level, and fails to teach or suggest the consideration of the classification of users based on information collected from the telecommunication system, i.e., the observed behavior of the users. Rather, the classification disclosed in *Obhan* is based on characteristics that are previously known (static) from, e.g. subscriber contracts and similar fixed information (see col. 3, lines 10-15). A person skilled in the art would have no motivation to combine *Knight* and *Obhan*, because *Knight* is related to meeting the observed, dynamically changing personal needs of individual users, while *Obhan* is related to meeting the previously known, fixed (i.e., static), defined needs of user classes.

Knight is irrelevant to the invention recited in claim 1 of, i.e., solutions based on user classification and filtered user-specific information. *Obhan*, on the other hand, fails to disclose that the classification of users is based on observed behavior, i.e., information collected from the telecommunication system. There is therefore no motivation to combine *Knight* and *Obhan* as the Examiner has done. Assuming, *arguendo*, that a person skilled in the art would be motivated to combine the teachings of *Knight* and *Obhan*, the result would be a system in which the network would arrange the usage of available bandwidth according to static fixed information that is known about the subscribers (as disclosed by *Obhan*), and prepare specific, individually identifiable pieces of information for use by individually identifiable clients based on heuristic deductions made of observed regular behavior (as disclosed in *Knight*). Nevertheless, the system

defined by the combination of *Knight* and *Obhan* would still fail to teach or suggest the feature recited in independent claim 1 of "users of [a] telecommunication system are classified on the basis of ... filtered user-specific information" based on information collected from the telecommunication system.

Moreover, the specification (pg. 2, lines 26-34) states that the failure to combine system specific data with user specific data has been a disadvantage associated with the prior art methods. The invention recited in claim 1 is directed to obtaining the advantages associated with such as combining system specific data with user specific data. If such a combination would have been as obvious as the Examiner alleges, at least one author of the prior art publications should have considered it. This, however, has not occurred, which supports Applicants position that the claimed present invention is non-obvious. Accordingly, independent claim 1 is patentable over the combination of *Knight* and *Obhan*, and therefore withdrawal of the rejection under 35 U.S.C. §103 is requested, and a notice to that effect is earnestly solicited.


Independent claim 13 is the system claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 13 is patentable over the combination of *Knight* and *Obhan* for the reasons discussed above with respect to independent method claim 1.

In view of the patentability of independent claims 1 and 13, for the reasons set forth above, dependent claims 2-12, and 14-18 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: February 28, 2005



KINDLY DATE STAMP AND RETURN
TO ACKNOWLEDGE RECEIPT

4925-159PUS MCS/AAC/LMS February 28, 2005

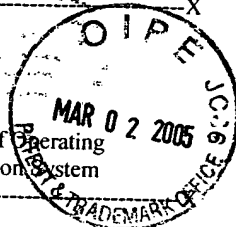
In re Application of

Mikko NARKILAHTI et al.

Serial No.: 10/018,502

Filed: October 30, 2001

For: Method and System for Determining of Operating
Models of Users of a Telecommunication System



Enclosed Herewith:

1. Amendment in response to OA of 8/26/04 w/Cert. of Mailing
2. Request for 3-month extension of time
3. Check for \$1020 for 3-month extension of time
4. Return receipt postcard



UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 15 2005

AK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,502	02/14/2005	Kimmo Narkilahti	4925-159PUS	2649

7590 03/14/2005
Michael C Stuart
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551 Fifth Avenue
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New York, NY 10176

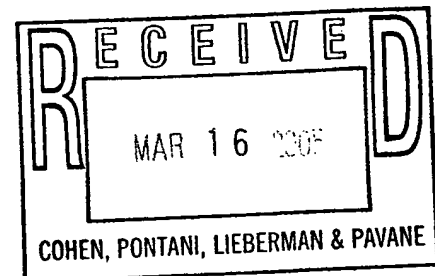
*Petition
14 April 2005*

EXAMINER
RAMPURIA, SHARAD K
ART UNIT
PAPER NUMBER

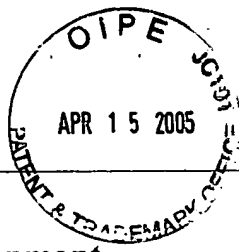
2683

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



PO 49860800



Notice of Abandonment

Application No.

10/018,502

Examiner

Sharad Rampuria

Applicant(s)

NARKILAHTI ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 August 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.